

Scott E. Ortiz, W.S.B. # 6-4254  
WILLIAMS, PORTER, DAY & NEVILLE, P.C.  
159 No. Wolcott, Suite 400  
P.O. Box 10700  
Casper, Wyoming 82602  
Telephone: (307) 265-0700  
Facsimile: (307) 266-2306  
Email: [sortiz@wpdn.net](mailto:sortiz@wpdn.net)

*Attorney for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

CUSTODIA BANK, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Number: 22-cv-00125-SWS
	)	
FEDERAL RESERVE BOARD OF	)	
GOVERNORS and FEDERAL RESERVE	)	
BANK OF KANSAS CITY,	)	
	)	
Defendants.	)	

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**CUSTODIA BANK, INC.’S  
UNOPPOSED MOTION FOR EXTENSION OF TIME AND FOR LEAVE TO FILE EXCESS PAGES**

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Plaintiff Custodia Bank, Inc. (“Custodia”), by and through its counsel, hereby moves the Court for an extension of time to respond to Defendants’ motions to dismiss and also moves the Court for leave to file an omnibus response brief to Defendants’ motions to dismiss that is no longer than sixty (60) pages as follows:

1. Custodia filed its *Complaint*, ECF No. 1, on June 7, 2022, in which it brought claims against the Federal Reserve Board of Governors (“Board”) and the Federal Reserve Bank of Kansas City (“FRBKC”).

2. On August 9, 2022, the Court entered its ORDER PERMITTING BRIEFS IN EXCESS OF 25 PAGES, ECF No. 35, which allowed both the Board and the FRBKC to file briefs in support of their respective motions to dismiss not to exceed 45 pages.

3. On August 16, 2022, the Board filed *Defendant Board of Governors of the Federal Reserve System's Motion to Dismiss*, ECF No. 48, (“*Board MTD*”) and *Defendant Board of Governors of the Federal Reserve System's Memorandum of Points and Authorities in Support of Its Motion to Dismiss*, ECF No. 49 (“*Board Memo in Support*”).

4. Also on August 16, 2022, the FRBKC filed *Defendant Federal Reserve Bank of Kansas City's Motion to Dismiss*, ECF No. 50 (“*FRBKC MTD*”) and *Defendant Federal Reserve Bank of Kansas City's Memorandum of Points of Authorities in Support of Its Motion to Dismiss*, ECF No. 51 (“*FRBKC Memo in Support*”).

5. Not including their table of contents and table of authorities, the *Board Memo in Support* and *FRBKC Memo in Support* are each 45 pages in length (90 pages in total), and contain Defendants’ arguments as to why the Court should dismiss Custodia’s *Complaint*.

6. Pursuant to Local Rule 7.1(b)(2), Custodia’s response briefs to the *Board MTD* and *FRBKC MTD* are due on or before August 30, 2022 (14 days after the filing of the motions to dismiss) and are limited to no more than 25 pages apiece.

7. The issues raised by Defendants in their motions to dismiss involve complex and numerous issues including claims and arguments regarding standing, ripeness, the Due Process Clause, the Separation of Power and Appointments Clause, as well as complex administrative law issues arising under the Administrative Procedure Act. (*See e.g., FRBKC's Unopposed Motion*, ECF No. 34, ¶ 4).

8. Given the length and subject matter of the *Board MTD* and *FRBKC MTD*, Custodia needs an additional two weeks to respond to Defendants' briefs. Custodia therefore requests an extension to September 13, 2022 to file its response to Defendants' motions to dismiss.

9. Additionally, in order to conserve judicial time and resources, Custodia will file one omnibus response to Defendants' motions to dismiss instead of two separate briefs. Custodia requests permission to file one omnibus brief in opposition that is no longer than 60 pages.

10. Counsel for Custodia has met and conferred with Defendants' counsel regarding the requested extension of time and page limits, and Defendants' counsel consent to the requested relief.

WHEREFORE, Plaintiff Custodia Bank, Inc., by and through its counsel, hereby moves the Court for a two-week extension of time to September 13, 2022 to file one omnibus, 60-page response to Defendants' motions to dismiss.

(Remainder of Page Left Blank Intentionally)

DATED this 29<sup>th</sup> day of August, 2022.

CUSTODIA BANK, INC., Plaintiff

By: /s/ Scott E. Ortiz  
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Scott E. Ortiz, W.S.B. # 6-4254  
WILLIAMS, PORTER, DAY & NEVILLE, P.C.  
159 No. Wolcott, Suite 400  
P.O. Box 10700  
Casper, Wyoming 82602  
Telephone: (307) 265-0700  
Facsimile: (307) 266-2306  
Email: [sortiz@wpdn.net](mailto:sortiz@wpdn.net)

-and-

John K. Villa, *pro hac vice*  
Ryan Scarborough, *pro hac vice*  
Whitney D. Hermandorfer, *pro hac vice*  
Jamie Wolfe, *pro hac vice*  
WILLIAMS & CONNOLLY, LLP  
680 Maine Avenue SW  
Washington, DC 20024  
Telephone: (202) 434-500  
Emails: [jvilla@wc.com](mailto:jvilla@wc.com)  
[rscarborough@wc.com](mailto:rscarborough@wc.com)  
[whermandorfer@wc.com](mailto:whermandorfer@wc.com)  
[jwolfe@wc.com](mailto:jwolfe@wc.com)

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served this 29<sup>th</sup> day of August, 2022, addressed to:

Mark Van Der Weide  
Richard M. Ashton  
Joshua P. Chadwick  
Yvonne F. Mizusawa  
Yonatan Gelblum  
Katherine Pomeroy  
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM  
20<sup>th</sup> Street and Constitutional Avenue, N.W.  
Washington, DC 20551

- ☐ U.S. Mail (Postage Prepaid)  
☐ Email  
☐ Overnight Delivery  
☐ Hand Delivery  
☒ CM/ECF System

Billie L.M. Addleman  
John P. Fritz  
HIRST APPLGATE, LLP  
P.O. Box 1083  
Cheyenne, Wyoming 82003

- ☐ U.S. Mail (Postage Prepaid)  
☐ Email  
☐ Overnight Delivery  
☐ Hand Delivery  
☒ CM/ECF System

Andrew Michaelson  
Laura Harris  
KING & SPALDING, LLC  
1185 Avenue of the Americas, 34<sup>th</sup> Floor  
New York, New York 10036

- ☐ U.S. Mail (Postage Prepaid)  
☐ Email  
☐ Overnight Delivery  
☐ Hand Delivery  
☒ CM/ECF System

Jeffrey S. Bucholtz  
Joshua N. Mitchell  
Christine M. Carletta  
KING & SPALDING, LLP  
1700 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

- ☐ U.S. Mail (Postage Prepaid)  
☐ Email  
☐ Overnight Delivery  
☐ Hand Delivery  
☒ CM/ECF System

/s/ Scott E. Ortiz

Scott E. Ortiz